

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Hampshire, ss.

DISTRICT COURT DOCKET

No. 1

Donald Paul Benkowicz

Plaintiff

vs

COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION, COMMISSIONER, Craig Mili, AND

COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION, COMMISSIONER/DESIGNEE, TERRIFER E. Giordi, AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, SUPERINTENDENT, Douglas W. DEMOURA AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, SUPERINTENDENT/DESIGNEE, Joyce L. GALLIN AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, INSTITUTIONAL TREASURER, Joyce WESSEK, AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, INSTITUTIONAL TREASURER, CARLO LONE, AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, CLASSIFICATION BOARD CHAIRPERSON, TERRIFER MARKHAM, PHD.

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, CLASSIFICATION BOARD, CORRECTIONAL PROGRAM OFFICER MEMBER, VANESSA RILEY, AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- CEDER JUNCTION, CLASSIFICATION BOARD SECURITY MEMBER, DAVID CAFFARELLI, AND

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCIT- Concord, SUPERINTENDENT, Michael Rodriguez

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI: Concord, Director of Classification, Bryan Farrell
and

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI: Concord, Classification Board, Correctional Program
Officer Member Michael Hargan and

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI: Concord, Classification Board, Security Member
Officer Larson and

MASSACHUSETTS DEPARTMENT OF CORRECTION, MCI: Concord, Classification Board Chairperson, Tom
Hartley and

Access Connection - Secure Deposits and
Secure Technologies, Inc. and
T.K.C Holdings, Inc.

DEFENDANTS

PLAINTIFF'S DECLARATION IN SUPPORT OF PLAINTIFF'S

MOTION FOR APPOINTMENT OF COUNSEL

Dawid Paul Renkowicz states:

1) I am the Plaintiff in the above entitled Action. I make this Declaration In Support of my
Motion for Appointment of Counsel.

2) The Complaint in this case alleges that the Plaintiff was subjected to the misuse of the
Code of Massachusetts Regulations (Department of Correction) 103 CMR 100.00 SEC. SERIES
and the Policies and Procedures of the Department of Correction MCI: Conner Junction and the
Department of Correction, MCI: Concord by several Correctional Officers and Public

Employee's thereof some of whom actively deprived the Plaintiff of his Prisoner Rights
and others who watched and failed to intervene and take action to correct them. It
alleges that supervisory officials were well aware of the violations by some of the

Correctional Officer and Public Employee's AND ARE LIABLE FOR FAILING TO TAKE ACTION TO CORRECT THEM. THE PLAINTIFF WAS SUBSEQUENTLY DENIED DUE PROCESS IN THE ADMINISTRATIVE REMEDIES OF THE GRIEVANCE PROCEDURES, (103 CMR 451.00 SEQ. DEPARTMENT OF CORRECTION), CLASSIFICATION PROCEDURES (103 CMR 420.00 SEQ. DEPARTMENT OF CORRECTION) BY OFFICERS WHO CONDUCT THE INVESTIGATIONS AND THE PLAINTIFF WAS DEPRIVED OF THE NECESSITIES OF LIFE. (TELEPHONE, COMMERCIAL, HYGIENE/COSMETICS, MAIL, ETC.) BY THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION, COMMISSIONER, CAROL MICHAEL, AND THE MCI-CONSEIL SUPERVISOR, MICHAEL RODRIGUES AND MCI-LEDGER JUNCTION, SUPERINTENDENT, DOUGLAS W. DEMOURA AND THE PUBLIC EMPLOYEE'S THEREOF.

- 3) THIS IS A COMPLEX CASE BECAUSE IT CONTAINS SEVERAL DIFFERENT LEGAL CLAIMS WITH EACH CLAIM INVOLVING A DIFFERENT SET OF DEFENDANTS.
- 4) THE CASE INVOLVES MANY ISSUES THAT MAY REQUIRE EXPERT TESTIMONY.
- 5) PLAINTIFF HAS DEMANDED A JURY TRIAL.
- 6) THE CASE WILL REQUIRE DISCOVERY OF DOCUMENTS AND THINGS INCLUDING DEPOSITIONS OF A NUMBER OF WITNESSES.
- 7) THE TESTIMONY WILL BE IN SHARP CONFLICT SINCE THE PLAINTIFF ALLEGES THAT THE DEFENDANTS HAVE DEPRIVED HIM THE NECESSITIES OF LIFE, (TELEPHONE, COMMERCIAL, HYGIENE/COSMETICS, MAIL, ETC.) AND DUE PROCESS, WHILE THE DEFENDANTS ASSERT THAT THEY DID NOT DEPRIVE THE PLAINTIFF OF HIS CIVIL RIGHTS, PRISONER RIGHTS, UNITED STATES CONSTITUTIONAL RIGHTS.
- 8) THE PLAINTIFF IS SERVING A SENTENCE IN A MEDIUM SECURITY INSTITUTION DUE TO THE DEFENDANTS VIOLATING CLASSIFICATION PROCEDURES (103 CMR 420.00 SEQ) AND THE MASSACHUSETTS OBJECTIVE POINT BASE SYSTEM (MORE OBJECTIVE CLASSIFICATION OPERATIONAL MANUAL) FOR THIS REASON, HE HAS LIMITED ACCESS TO LEGAL MATERIALS, ADEQUATE LAW LIBRARY AND HAS NO ABILITY TO DO ANY INVESTIGATING THE FACTS OF THE CASE. FOR EXAMPLE, BY LOCATING AND INTERVIEWING OTHER INMATES WHO WERE DEPRIVED OF THEIR RIGHTS.
- 9) PLAINTIFF HAS ONLY A HIGH SCHOOL EQUIVALENT (G.E.D.) DEGREE AND HAS NO LEGAL EDUCATION.
- 10) AS SET FORTH IN THE MEMORANDUM OF LAW SUBMITTED WITH THIS MOTION, THESE FACTS, ALONG WITH THE LEGAL MERIT OF PLAINTIFF'S CLAIMS SUPPORT THE APPOINTMENT OF COUNSEL TO REPRESENT THE PLAINTIFF.

WHEREFORE, Plaintiff's Motion for Appointment of Counsel is HEREBY GRANTED.

Pursuant to 28 U.S.C. § 1746 I declare under the pains and penalties of perjury that the foregoing
is true and correct. Signed this 16 day of OCTOBER, 2020.

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Donald P. Benkowski

965 Elm St. P.O. Box 9106

Concord, Mass 01742

To: UNITED STATES DISTRICT COURT

CLERK/MAGISTRATE

300 STATE ST SUITE 130

Springfield Mass 01105 2820

RE: MOTION

DEAR CLERK/MAGISTRATE,

PLEASE FIND ENCLOSED PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL AND CERTIFICATE OF SERVICE AND CORDIALY YOU

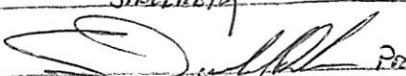
PLEASE FILE THESE DOCUMENTS ACCORDINGLY

THANK YOU FOR YOUR TIME AND ATTENTION TO THIS MATTER AND I WAIT FOR YOUR REPLY

DATE: 5-16-20

10-15-20

SINCERELY



PRO SE

Donald P. Renkowicz - W112470

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